EXHIBIT L

Excerpts of 30(b)(6) Deposition of Representative Scotlon Hughes

Pages: 69-80

In The Matter Of:

CAROLYN ENZOR vs. THE KROGER CO.

SCOTLON HUGHES
March 9, 2023
THE KROGER CO.



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[1]	is actually the one that you're saying is included as
[2]	11/19?

A. Is there anything on the page that says that?

- **Q.** Is there anything on the page, is there anything in the document, is there anything other than your own testimony that indicates that?
 - A. I'm not sure.
- Q. Okay. In your mind as the -- sorry. I don't recall exactly your title -- assistant director of loss prevention and safety management, do you think that an assault should be input into Kroger's internal data as just an "other" event?
- A. One, I'm not in the habit of armchair quarterbacking what a manager put in at the time based on their understanding. There's additional information that this is a minor with autism so it wasn't, I think, on the face of it what you would look at as an assault. I believe the police handled it differently, you know, as a kid that had an episode that was emotionally disturbed. So "other" is not necessarily an improper designation.
- Q. So when it says on Exhibit No. 9 "Incident Date," that really doesn't mean anything, then?
- [25] A. I believe this is the -- when the incident

[1] Q. Isn't it conceivable that the November [2] the 8th incident of an assault was not put in because [3] store management thought that it was reported to [4] someone else?

someone else?

MS. O'HEARN: Object to the form.

THE WITNESS: No, because, again, I reviewed the information and I know that not to be accurate.

Q. (By Mr. Manly) All right. (Plaintiffs' Exhibit 11 was marked.)

Q. (By Mr. Manly) Mr. Hughes, I'm going show you what's been marked as Exhibit No. 11 and I'll represent to you that that is an incident report produced by what was then the Savannah/Chatham Metro Police Department -- that's for a whole other story -- and at the top it says "Armed Robbery Attemp" -- I can only presume it means attempted armed robbery -- and the address for this incident is the Kroger at 5720 Ogeechee Road.

Are you familiar with this incident by any chance?

[22] **A.** Off the cuff, no. Hold on. Can I read through it --

[24] **Q.** Yeah.

[25] A. -- and let me see if it sparks a

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[1] was put into LPMS.

Q. Okay. It doesn't say that. That's just what you suspect is true?

A. Well, reviewing it in LPMS, that's the information that was in there because the narrative details did state the eleven I think it was eight or seven when the actual incident occurred.

Q. Does it normally take 11 days to input data into LPMS?

A. I don't know that I can give what the average is.

(Plaintiffs' Exhibit 10 was marked.)

Q. (By Mr. Manly) Mr. Hughes, I'm going to show you what we've marked as Exhibit No. 10 represent to you that's the incident report -- the Chatham County Incident Report for the April 27th, 2021, rape involving Ka'La Enzor.

Would you look at Exhibit No. 9 and see if that incident is listed in the document?

- A. My understanding is that it's not.
- Q. Okay. And do you know why?
- [22] A. My understanding is the information was put [23] into Sedgwick and so store management believed that it [24] had been reported since we had it in one of our systems
- [25] so they didn't put it into LPMS as well.

[1] recognition?

- [2] **Q.** And I'll tell you my next question is, is why is this incident not listed on Exhibit No. 6.
 - A. Okay. I am aware of this incident, yes.
- [5] Q. Okay.
- [6] A. And what was your follow-up? I apologize.
- [7] Q. Why is it not listed on Exhibit No. 6

[8] which is the spreadsheet of 2020's risk assessment by

[10] Kroger -- sorry -- the Kroger CAP Index?

MS. O'HEARN: It's this one (indic

MS. O'HEARN: It's this one (indicating). THE WITNESS: Right.

Q. (By Mr. Manly) That's 9 you've got in front of you. I'm talking about 6.

A. Yeah, I'm aware. I was looking at 9 to see what they coded it as because obviously they coded it as something other than what was in the risk index.

My understanding is no money was actually taken in this incident. I believe we have it in the LPMS. I want to say it was coded as harassment, but that's where I was willing to verify, is that.

- Q. I'll represent to you that it's not included in Exhibit No. 9.
- [23] A. I would have to do more looking. I
 [24] reviewed it. I know this incident is in LPMS. I think
 [25] it was coded as harassment because it was determined

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[1]	that the females didn't actually feel threatened. This	[1]	subjective findings and going into this, is this what
[2]	guy was making comments. They walked to and from the	[2]	you're talking about?
[3]	restroom and walked away. He had put a variety of	[3]	A. No.
[4]	things on the counter and they kind of just felt like	[4]	Q. Okay. So is this an additional subjective
[5]	he was being bothersome more than actually holding them	[5]	component that goes into coming up with the Kroger
[6]	up at gunpoint. I believe it was put in as harassment,	[6]	risk matrix?
[7]	which that's not one of the codings on the assessment.	[7]	 A. I would say it's subjective as to how
[8]	If you would like for me to verify that and have	[8]	management may put it in the LPMS. I don't think the
[9]	counsel	[9]	risk matrix per se is subjective but, I mean, it can
[10]	Q. What I'm getting at, Mr. Hughes, is the	[10]	only use the information as it's given.
[11]	data that we've been provided by Kroger does not list	[11]	(Plaintiffs' Exhibit 12 was marked.) Q. (By Mr. Manly) Mr. Hughes, I'm going to
[12]	that incident; is that correct?	[12]	Q. (By Mr. Manly) Mr. Hughes, I'm going to show you what is marked as Exhibit 12.
[13]	MS. O'HEARN: Object to the form. THE WITNESS: Without doing more research	[13]	MR. MANLY: I don't have another copy.
[14]	I can't answer that.	[15]	It's just been shuffled to another page there.
[15] [16]	Q. (By Mr. Manly) Okay. And, again, that	[16]	MS. O'HEARN: We can share.
[17]	incident is not listed in Exhibit No. 6 either?	[17]	Q. (By Mr. Manly) I'm out of paper clips so
[18]	A. Correct, because it was coded I believe as	[18]	we'll staple that.
[19]	something different than the categories that No. 6	[19]	Mr. Hughes, let me show you what's marked
[20]	utilizes.	[20]	as Exhibit No. 12 to your deposition. If you could
[21]	Q. Okay. Who makes that determination of	[21]	find that report on or that incident, rather, on
[22]	what to categorize an event as?	[22]	Exhibit No. 9.
[23]	 Sorry. Say that one more time. 	[23]	A. I feel like I reviewed this. I'm not sure
[24]	Q. Who makes the determination of how to	[24]	off the cuff.
[25]	categorize an event?	[25]	Q. You would agree it's not listed on No. 9?
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[1]	A. It would be the person putting the case	[1]	A. I don't agree or disagree. I'm trying to
[2]	into LPMS.	[2]	go off of memory and, I apologize, I feel like I
[3]	Q. And is that generally the store manager or	[3]	reviewed this particular incident and that it may be in
[4]	management at the store?	[4]	No. 9. I just can't tell you without doing more
[5]	 A. Either management or asset protection; 	[5]	research.
[6]	usually one of the two.	[6]	Q. You would agree that if you go by date
[7]	Q. Okay. And, again, I think we answered	[7]	order it's not listed on the in the chronological
[8]	this early on, there's no oversight on that as in	[8]	order as you would expect it to be on the
[9]	someone who might have received a copy of this	[9]	second-to-last page of Exhibit No. 9? A. I do not see it in chronological order.
[10]	incident report going back in and ensuring that it was coded correctly?	[10] [11]	Yes, I agree with that.
[11]	A. I don't agree with the "coded correctly"	[12]	Q. Okay.
[12]	terminology.	[13]	(Plaintiffs' Exhibit 13 was marked.)
[14]	Q. Okay. Or coded differently; how about	[14]	Q. (By Mr. Manly) Mr. Hughes, I'm going to
[15]	that?	[15]	show you Exhibit No. 13.
[16]	A. There again, LPMS is a third-party software	[16]	MR. MANLY: Again, Beverly, I've got a
[17]	that many companies use. As such, you'll find	[17]	copy. I'll make sure you get it.
[18]	softwares like that use oftentimes a wide assortment of	[18]	Q. (By Mr. Manly) Can you find Exhibit
[19]	terminology and there's discretion subjectivity as to	[19]	No. 13 in the list that's been provided in Exhibit
[20]	what one person may think an incident is versus another	[20]	No. 9? Well, first of all, what is I highlighted a
[21]	person within all the given options.	[21]	portion of that one.
[22]	Q. Okay.	[22]	What is the crime as reported by the
[23]	A. So I don't know that you can say there's a	[23]	police department on No. 13?
[24]	correct or incorrect.	[24]	A. The police have designated it as sexual

[25]

battery, misdemeanor.

Q. Okay. So when we talked about the

[25]

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the list of crimes in Exhibit No. 9? A. This one I believe this one may be the one listed on 7/14/18 as "Other." I would need to pull the further details, but I believe it may be that one. C. Again, that date that you're the incident date as defined on Exhibit No. 19 does not correspond with the incident date that's on the incident report, does it? Incident report, does it? A. Again, my understanding is the dates that are on this particular spreadsheet are the dates that the incident was put into the system, not necessarily the date of the incident occurring. So, yes, 14 and 8 are different dates, but I do believe this is the same incident. C. And, again, other there is a is there a code for sexual battery? A. I would have no way to. C. You just indicated that you had reviewed this incident. D. Were you aware of this incident prior to preparing for the deposition. D. Were you aware of this incident prior to preparing for the deposition? A. No. D. Do you think that knowing about a kidnapping that takes place in the same shopping the date of the incident occurring. So, yes, 14 and 8 are different dates, but I do believe this is the same incident. C. And, again, other there is a is there a code for sexual battery? I.B. A. I would have no way to. C. You just indicated that you had reviewed this incident. D. Were you aware of this incident prior to preparing for the deposition? R. No. C. Were you aware of this incident prior to preparing for the deposition? MS. O'HEARN: Object to the form. A. I think important is an ambiguous term. We either know about it or we don't know about it? MS. O'HEARN: Object to the form. THE WITNESS: I don't there again, "should" implies a duty. I don't know how we could know about something that we don't know about it would have no 7/14/18 as a content of the proparation for the deposition? A. I believe so. C. And, again, other there is a is the dates that takes place in the same shopping the dates of the incident was proparation for the d			Page 77			Page 79
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J	[4]			[4]	Q.	Okay. So you could find out?

your deposition. This is a Chatham County Police Department Incident Report from May the 8th of 2020 which is a kidnapping.

Do you see that one on Exhibit No. 9?

This one I don't believe we have on there. My understanding of this one when I reviewed it was that it happened at the Goodwill, not at the Kroger.

Okay. On the "Incident Location" it says Kroger parking lot or Kroger Shopping Center, something like that. I don't have it in front of me so I'm going by --

Right. So it appears that the police officer generically called it the Kroger Shopping Center which it's not. We have one building in a mass of buildings. In the actual report itself it talks about being in the back of Goodwill and this person donating clothes in the back of Goodwill and observing the situation, so it doesn't look like it was anything that our store was involved in. I don't --

[22] Q. Despite the address being the same? [23]

Again, the address goes to a shopping center that has a variety of businesses. We don't know

Could we find out? Potentially, but you A. [5] said "should" earlier and --[6]

Q. I understand what I asked. I'm asking you [7] could you find out? [8]

> Potentially we could. A.

Okay. And you chose not to? MS. O'HEARN: Object to the form. THE WITNESS: But, there again, I think

"chose" is a misrepresentation. [13]

(By Mr. Manly) Do you regularly send an [14] Open Records Request to find out incidents that took [15] place in the area? [16]

[17] A. No.

[9]

[10]

[11]

[12]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

Q. Do you solely rely on third parties in making the determination of whether or not your store is safe?

A. No.

All right. That is Topic No. 1. We'll go to Topic No. 2, the written security plan for the site.

Is there a written security plan for the

[5]

[6]

[7]

[8]

[9]

[10] [11]

[12]

[13]

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